

1
2
3
4
5
6
7
8
9
0
1
2

14CV16841

Case No.

COMPLAINT FOR DAMAGES (PREMISES LIABILITY; NEGLIGENCE)

Prayer amount: Not to exceed \$1,000,000

Not Subject to Mandatory Arbitration

Jury Trial Requested

14
15
16
17
18
19
20
21
22
23
24
25

1.

2.

3.

4.

At all relevant times, Defendants owned, operated, leased, maintained and/or had a

1 duty to operate, manage and/or maintain both individually and by and or through its agents,
 2 servants and/or employees the premises commonly known as Pilot Travel Centers, LLC
 3 located in Mt. Home, Idaho.

4 5.

5 Defendants invited the general public, including Plaintiff, to park on the premises
 6 and to use the premises for obtaining fuel, supplies and other amenities.

7 6.

8 On November 8, 2012 at approximately 7:30 a.m., Plaintiff was lawfully on the
 9 premises, parked on Defendants' premises in the striped area designated for overnight
 10 parking at the west end of the parking lot for the purpose of using its facilities.

11 7.

12 Plaintiff was doing a pre-truck inspection when he tripped over a chunk of concrete
 13 and/or other debris and fell, causing him to sustain serious injuries and damages as below
 14 described.

15 II. FIRST CLAIM FOR RELIEF

16 (Premises Liability)

17 8.

18 Plaintiff realleges and incorporates by reference the above allegations of paragraphs
 19 1 through 7.

20 9.

21 Defendants had a duty to:

22 a. exercise ordinary care to avoid exposing persons on the premises to an
 23 unreasonable risk of harm;

24 b. remedy any dangerous or defective condition known to Defendants, or which, in
 25 the exercise of ordinary care, should have been discovered;

1 c. warn of any dangerous or defective condition known to Defendants, or which, in
2 the exercise of ordinary care, should have been discovered;

3 d. exercise ordinary care under all the circumstances towards invitees who come
4 on the premises in all portions of the premises to which an invitee may reasonably be
5 expected to go;

6 e. exercise ordinary care in the inspection of the premises for the purpose of
7 discovering dangerous conditions; and

8 f. maintain their facilities in a safe condition.

9 10.

10 In breach of their duties, as above set forth in paragraph 9, Defendants:

11 a. Failed to maintain operate, manage and control the premises including, but not
12 limited to, the parking lot, truck inspection area and/or surrounding area where Plaintiff fell,
13 in a reasonably safe condition;

14 b. Failed to remove concrete chunks and/or other debris in an area where Plaintiff
15 would be expected to go;

16 c. Allowed a concrete wall on the premises near the area where Plaintiff fell to
17 remain in disrepair when Defendants knew, or in the exercise of reasonable care should have
18 known, the disrepair created an unreasonable risk of harm to Plaintiff and others lawfully on
19 the premises;

20 d. Failed to warn Plaintiff of the danger presented by the presence of the debris in
21 the parking lot, trucking inspection area and/or surrounding area where Plaintiff fell;

22 e. Failed to make a reasonable inspection of its premises when it knew or in the
23 exercise of ordinary should have known that said inspection was necessary to prevent injury
24 to Plaintiff and others lawfully on the premises;

25 f. Allowed the premises to remain in a dangerous condition for an unreasonable

1 length of time with debris remaining in the areas where Plaintiff would be expected to go
2 and creating a tripping hazard;

3 g. Failed to provide adequate lighting for the premises including, but not limited
4 to the parking lot, truck inspection area and/or surrounding area where Plaintiff fell;

5 h. Failed to repair the concrete wall in the area where Plaintiff fell;

6 i. Created the dangerous or defective condition in the parking lot, truck
7 inspection area and/or surrounding area where Plaintiff fell;

8 j. Failed to place barriers between where trucks would be expected to be
9 parked and the concrete wall behind them; and

10 k. Failed to otherwise exercise due care with respect to the condition of the
11 premises.

12 11.

13 As a direct and proximate result of Defendants' violation of their duties to
14 invitees and others lawfully on the premises and as above set forth in paragraphs 8-18,
15 Plaintiff tripped and fell while on the premises and suffered severe, disabling and permanent
16 injuries including, but not limited to, concussive head injury, L5-S1 radiculopathy,
17 foraminal disk injury and loss of disk height, which ultimately resulted in L5 nerve root
18 impingement and required surgical intervention of a spinal fusion and a discectomy. The
19 fall resulted in an aggravation and a pathological worsening of Plaintiff's preexisting,
20 asymptomatic spinal condition by causing an increase in the disc protrusions and/or nerve
21 root contusions, resulting in accompanying pain and suffering, all to his noneconomic
22 damages in an amount not to exceed \$499,000.00 and to be determined at the time of trial.

23 12.

24 As a direct and proximate result of Defendants' violations of their duties to
25 invites and other lawfully on the premises and as above set forth in paragraphs 8-10,

1 Plaintiff has incurred medical expenses for surgeries, hospitalization, medical treatment and
2 lost wages, and will continue to incur medical expenses and lost future wages, all to
3 Plaintiff's economic damages in an amount not to exceed \$499,000.00 and to be determined
4 at the time of trial.

5 III. SECOND CLAIM FOR RELIEF

6 (Negligence)

7 13.

8 Plaintiff realleges and incorporates by reference the above allegations of paragraphs
9 1 through 12.

10 14.

11 Defendants were negligent as above set forth in paragraph 10.

12 15.

13 As a direct and proximate result of Defendants' negligence, Plaintiff was injuries as
14 above set forth in paragraphs 11 and 12.

15
16 WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

17 1. For noneconomic damages in an amount to be determined at trial, not to
18 exceed \$499,000.00;

19 2. For economic damages in an amount to be determined at trial, not to exceed
20 \$499,000.00;

21 3. For Plaintiff's costs and disbursements incurred herein; and

22 4. For any such other relief as the court shall deem just and equitable.

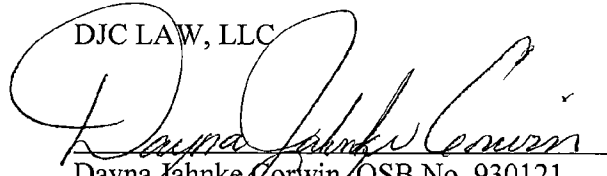
23 ///

24 ///

25 ///

1 Dated this 5th day of November, 2014.

2 DJC LAW, LLC

3 

4 Dayna Jahnke Corwin, OSB No. 930121

5 dayna@djc-law.com

6 Of Attorneys for Plaintiff

7 Laura Chock, OSB No. 980438

8 laura@laurachock-law.com

9 Of Attorneys for Plaintiff